

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

KEVIN GRACE,

Plaintiff(s),

-against-

ABRAHAM MATTHEWS, SEAN CARROLL, and
RYDER TRUCK RENTAL,

Defendant(s).

X

NOTICE TO ADVERSE
PARTY OF REMOVAL
OF ACTION UNDER
28 USC §1441(b)

Case #: 08CV1889

TO PLAINTIFF, KEVIN GRACE AND HIS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE THAT a Notice of Removal of this action was filed in the United States District Court for Southern District of New York on February 26, 2008.

A copy of the said Notice of Removal is attached to this Notice, and is served and filed herewith.

Dated: February 28, 2008
New York, New York

Stockschlaeder, McDonald
& Sules, P.C.

By: 

Richard T. Sules (RTS 1665)
Attorney for Defendants
161 William Street, 19th Floor
New York, New York 10038
(212) 608-1911

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

KEVIN GRACE,

Plaintiff(s),

AFFIDAVIT OF SERVICE

-against-

ABRAHAM MATTHEWS, SEAN CARROLL, and
RYDER TRUCK RENTAL,

Case #: 08CV1889

Defendant(s).

X

STATE OF NEW YORK)

:ss.

COUNTY OF NEW YORK)

Joyce Lee-Hawkins, being duly sworn, deposes and says:

1. I am over 18 years of age, I am not a party to this action and I reside at Brooklyn, New York.

2. On February 28, 2008 I served the within Notice to adverse Party of Removal of Action, Notice of Removal, Demand for Jury Trial and Rule 7.1 Statement by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within New York State, addressed to the following:

SEE ATTACHED LIST:

Sworn to before me on
28 day of February, 2008.


Joyce Lee-Hawkins

Notary Public

Richard T. Siles
Notary Public, State of New York
No. 02SU4987933
Qualified in New York County
Commission Expires October 28, 2009

TO: James W. Badie, Esq.
Attorney for Plaintiff
660 White Plains Road, Suite 615
Tarrytown, NY 10591

Sean Carroll
2158 Matthews Avenue
Bronx, New York 10461

Ryder Truck Rental
117 Central Avenue
Farmingdale, NY 11735

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X
KEVIN GRACE,

Plaintiff(s),

-against-

ABRAHAM MATTHEWS, SEAN CARROLL, and Case #: 08CV1889
RYDER TRUCK RENTAL,

Defendant(s).

X

=====

NOTICE TO ADVERSE PARTY OF REMOVAL OF ACTION UNDER 28 USC §1441(b)

=====

STOCKSCHLAEDER, McDONALD & SULES, P.C.
Attorney(s) for: Defendant(s)
161 William Street, 19th fl.
New York, New York 10038
(212) 608-1911
File No. 2513.01

=====

Service of a copy of the within is hereby admitted

Dated:

=====

PURSUANT TO CPLR 2103(5) PLEASE TAKE NOTICE THAT THIS OFFICE DOES
NOT ACCEPT SERVICE OF PAPERS BY ELECTRONIC MEANS.

08 CV 1889

JS 44C/SDNY
REV. 12/2005

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS KEVIN GRACE

DEFENDANTS ABRAHAM MATTHEWS, SEAN CARROLL AND RYDER
TRUCK RENTAL

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

James W. Badie, Esq., 660 White Plains Rd., Tarrytown,
NY 10591; 914-332-4490

ATTORNEYS (IF KNOWN)

Stockschlaeder, McDonald & Sules, 161 William St., NY, NY
10038; 212-608-1911; (Def. Abraham Matthews)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332 and is one which may be removed to this Court by defendant(s) pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between ~~citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs~~

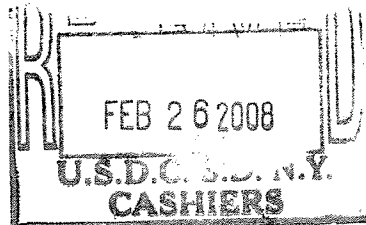
Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 AGRICULTURE	<input type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE		
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 620 FOOD & DRUG	<input type="checkbox"/> 28 USC 158	<input type="checkbox"/> REAPPORTIONMENT		
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> MED MALPRACTICE	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 410 ANTITRUST		
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> SEIZURE OF	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 430 BANKS & BANKING		
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> PROPERTY		<input type="checkbox"/> 450 COMMERCE/ICC		
<input type="checkbox"/> INSTRUMENT	<input type="checkbox"/> SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> RATES/ETC		
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> INJURY PRODUCT	<input type="checkbox"/> 630 LIQUOR LAWS	<input type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> 460 DEPORTATION		
<input type="checkbox"/> OVERPAYMENT &	<input type="checkbox"/> EMPLOYERS'	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 830 PATENT	<input type="checkbox"/> 470 RACKETEER INFLU-		
<input type="checkbox"/> ENFORCEMENT OF	<input type="checkbox"/> LIABILITY		<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> ENCED & CORRUPT		
<input type="checkbox"/> JUDGMENT	<input type="checkbox"/> 340 MARINE	PERSONAL PROPERTY	<input type="checkbox"/> 660 OCCUPATIONAL		<input type="checkbox"/> ORGANIZATION ACT		
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT		<input type="checkbox"/> SAFETY/HEALTH		<input type="checkbox"/> (RICO)		
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> OTHER	SOCIAL SECURITY	<input type="checkbox"/> 480 CONSUMER CREDIT		
<input type="checkbox"/> DEFAULTED	<input checked="" type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 371 TRUTH IN LENDING	LABOR	<input type="checkbox"/> 861 MIA (1395FF)	<input type="checkbox"/> 490 CABLE/SATELLITE TV		
<input type="checkbox"/> STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> 380 OTHER PERSONAL	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 810 SELECTIVE SERVICE		
<input type="checkbox"/> (EXCL VETERANS)	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> PROPERTY DAMAGE	<input type="checkbox"/> STANDARDS ACT	<input type="checkbox"/> 863 DIWC (405(g))	<input type="checkbox"/> 850 SECURITIES/		
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> LABOR/MGMT	<input type="checkbox"/> 864 DIWW (405(g))	<input type="checkbox"/> COMMODITIES/		
<input type="checkbox"/> OVERPAYMENT OF	<input type="checkbox"/> INJURY	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> RELATIONS	<input type="checkbox"/> 865 SSID TITLE XVI	<input type="checkbox"/> EXCHANGE		
<input type="checkbox"/> VETERANS BENEFITS			<input type="checkbox"/> LABOR/MGMT	<input type="checkbox"/> 866 RSI (405(g))	<input type="checkbox"/> 875 CUSTOMER		
<input type="checkbox"/> 160 STOCKHOLDERS SUITS			<input type="checkbox"/> REPORTING &		<input type="checkbox"/> CHALLENGE		
<input type="checkbox"/> 190 OTHER CONTRACT			<input type="checkbox"/> DISCLOSURE ACT	FEDERAL TAX SUITS	<input type="checkbox"/> 12 USC 3410		
<input type="checkbox"/> 195 CONTRACT PRODUCT			<input type="checkbox"/> RAILWAY LABOR ACT	<input type="checkbox"/> 870 TAXES	<input type="checkbox"/> 891 AGRICULTURE ACTS		
<input type="checkbox"/> LIABILITY			<input type="checkbox"/> OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 892 ECONOMIC		
<input type="checkbox"/> 196 FRANCHISE			<input type="checkbox"/> LITIGATION	<input type="checkbox"/> 20 USC 7609	<input type="checkbox"/> STABILIZATION ACT		
	ACTIONS UNDER STATUTES		<input type="checkbox"/> 791 EMPL RET INC		<input type="checkbox"/> 893 ENVIRONMENTAL		
			<input type="checkbox"/> SECURITY ACT		<input type="checkbox"/> MATTERS		
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			<input type="checkbox"/> 894 ENERGY		
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 510 MOTIONS TO			<input type="checkbox"/> ALLOCATION ACT		
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> VACATE SENTENCE			<input type="checkbox"/> FREEDOM OF		
<input type="checkbox"/> 230 RENT LEASE &	<input type="checkbox"/> 443 HOUSING	<input type="checkbox"/> 28 USC 2255			<input type="checkbox"/> INFORMATION ACT		
<input type="checkbox"/> EJECTMENT	<input type="checkbox"/> 444 ACCOMMODATIONS	<input type="checkbox"/> 530 HABEAS CORPUS			<input type="checkbox"/> 900 APPEAL OF FEE		
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 445 WELFARE	<input type="checkbox"/> 535 DEATH PENALTY			<input type="checkbox"/> DETERMINATION		
<input type="checkbox"/> 246 TORT PRODUCT	<input type="checkbox"/> 446 AMERICANS WITH	<input type="checkbox"/> 540 MANDAMUS & OTHER			<input type="checkbox"/> UNDER EQUAL ACCESS		
<input type="checkbox"/> LIABILITY	<input type="checkbox"/> DISABILITIES -	<input type="checkbox"/> 550 CIVIL RIGHTS			<input type="checkbox"/> TO JUSTICE		
<input type="checkbox"/> 290 ALL OTHER	<input type="checkbox"/> EMPLOYMENT	<input type="checkbox"/> 555 PRISON CONDITION			<input type="checkbox"/> 950 CONSTITUTIONALITY		
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> 446 AMERICANS WITH				<input type="checkbox"/> OF STATE STATUTES		
	<input type="checkbox"/> DISABILITIES -OTHER				<input type="checkbox"/> 890 OTHER STATUTORY		
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS				<input type="checkbox"/> ACTIONS		



Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE STEIN _____ DOCKET NUMBER 07CIV9589

Check YES only if demanded in complaint
JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding
 ☒ 2a. Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

AND at least one party is a pro se litigant

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] []	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] []	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] []
CITIZEN OF ANOTHER STATE	<input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

KEVIN GRACE, JACKSONVILLE, FLORIDA, DUVAL COUNTY

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Abraham Matthews, 41 Grant Ave., Stamford, CT, 06902, Fairfield County
 Sean Carroll, 2158 Matthews Ave., Bronx, NY 10461; Bronx County
 Ryder Truck Rental, 117 Central Ave., Farmingdale, NY, Nassau County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE SIGNATURE OF ATTORNEY OF RECORD

2/26/08

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[x] YES (DATE ADMITTED Mo. 12 Yr. 1987)

Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

KEVIN GRACE,

Plaintiff(s),

-against-

NOTICE OF REMOVAL
OF ACTION UNDER
28 USC §1441(b)

ABRAHAM MATTHEWS, SEAN CARROLL, and
RYDER TRUCK RENTAL,

Defendant(s).

X

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE that defendant, ABRAHAM MATTHEWS, hereby removes to this Court the State court action described below.

1. On or about January 25, 2008 an action was commenced in the Supreme Court of the State of New York in and for the County of Bronx entitled KEVIN GRACE, plaintiff, and ABRAM MATTHEWS, SEAN CARROLL and RYDER TRUCK RENTAL, defendants as Case Number 300712/08.

2. The first date upon which defendant ABRAHAM MATTHEWS received a copy of the said complaint was on or about February 10, 2008. A copy of the summons and complaint are attached hereto as Exhibit "A".

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332 and is one which may

be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs because plaintiff is a citizen of Florida and defendant ABRAHAM MATTHEWS is a citizen of Connecticut and defendants SEAN CARROLL and RYDER TRUCK RENTAL are citizens of New York.

Dated: New York, New York
February 26, 2008

Stockschlaeder, McDonald & Sules,
P.C., Esqs.
Attorneys for Defendant(s)
ABRAHAM MATTHEWS

By: _____

Richard T. Sules (RTS-1665)
161 William Street, 19th Floor
New York, New York 10038
(212) 608-1911
File No. 2513.01

TO: James W. Badie, Esq.
Attorney for Plaintiff
660 White Plains Road, Suite 615
Tarrytown, NY 10591
914-332-4490

Sean Carroll
2158 Matthews Avenue
Bronx, New York 10461

Ryder Truck Rental
117 Central Avenue
Farmingdale, NY 11735

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN GRACE,

DEMAND FOR
JURY TRIAL

Plaintiff(s),

-against-

ABRAHAM MATTHEWS, SEAN CARROLL, and
RYDER TRUCK RENTAL,

Defendant(s).

Defendant ABRAHAM MATTHEWS, hereby demands trial by jury in
this action.

Dated: February 22, 2008
New York, New York

Stockschlaeder, McDonald & Sules,
P.C., Esqs.
Attorneys for Defendant(s)
ABRAHAM MATTHEWS

By: _____

Richard T. Sules (RTS-1665)
161 William Street, 19th Floor
New York, New York 10038
(212) 608-1911
File No. 2513.01

TO: James W. Badie, Esq.
Attorney for Plaintiff
660 White Plains Road, Suite 615
Tarrytown, NY 10591
914-332-4490

Sean Carroll
2158 Matthews Avenue
Bronx, New York 10461

Ryder Truck Rental
117 Central Avenue
Farmingdale, NY 11735

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 300712/08

KEVIN GRACE,

Plaintiff(s),

-against-

Rule 7.1 Statement

ABRAHAM MATTHEWS, SEAN CARROLL, and
RYDER TRUCK RENTAL,

Defendant(s).

Pursuant to Federal Rule of Civil Procedure 7.1 [formerly local General Rule 1.9) and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Defendant ABRAHAM MATTHEWS (a private non-governmental party) certifies that the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held.

NONE.

Dated: February 22, 2008
New York, New York

Stockschlaeder, McDonald & Sules,
P.C., Esqs.
Attorneys for Defendant(s)
ABRAHAM MATTHEWS

By: _____

Richard T. Sules (RTS-1665)
161 William Street, 19th Floor
New York, New York 10038
(212) 608-1911
File No. 2513.01

EXHIBIT "A"

File # 2513

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

KEVIN GRACE,

Plaintiff,

-against-

ABRAHAM MATTHEWS, SEAN CARROLL,
and RYDER TRUCK RENTAL,

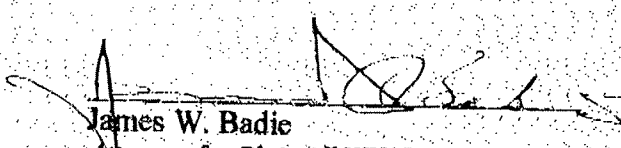
Defendants.

X Index No. 300712/2008
Date Purchased: 01-25-2008PLAINTIFF DESIGNATES BRONX
COUNTY AS PLACE OF TRIALThe basis of the venue is
place of accidentSUMMONS

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: January 7, 2008


James W. Badie
Attorney for Plaintiff KEVIN GRACE
660 White Plains Road, Suite 615
Tarrytown, New York 10591
Telephone: (914) 332-4490

Defendants' Address:

ABRAHAM MATTHEWS
41 Grant Avenue
Stamford, CT 06902SEAN CARROLL
2158 Matthews Avenue
Bronx, NY 10461RYDER TRUCK RENTAL
117 Central Avenue
Farmingdale, NY 11735

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

KEVIN GRACE,

Plaintiff,

-against-

ABRAHAM MATTHEWS, SEAN CARROLL,
and RYDER TRUCK RENTAL,

Defendants.

INDEX NO. 300712(2008)

VERIFIED COMPLAINT

Plaintiff, KEVIN GRACE, by his attorney, James W. Badie, complaining of
the Defendants, respectfully alleges as follows:

**AS AND FOR A FIRST CAUSE OF ACTION
ALLEGING NEGLIGENCE AND GROSS AND WANTON CONDUCT IN THE
OPERATION OF AUTOMOBILE BY DEFENDANT ABRAHAM MATTHEWS**

DK 7
1. At all times relevant herein, Plaintiff was a resident of the Town of
Bloomfield, County of Hartford, State of Connecticut and is now a resident of the
City of Jacksonville, County of Duval, State of Florida.

A
2. Upon information and belief, and at all times relevant herein,
Defendant ABRAHAM MATTHEWS, was and still is a resident of the City of
Stamford, County of Fairfield, State of Connecticut.

DK1
3. Upon information and belief, and at all times relevant herein, Defendant SEAN CARROLL, was and still is a resident of the City of New York, County of Bronx, State of New York.

DK1
4. Upon information and belief, and at all times relevant herein, Defendant RYDER TRUCK RENTAL was and still is a domestic corporation organized and existing under the laws of the State of New York, is licensed to do business in the State of New York, and is doing business in the State of New York.

A
5. Upon information and belief, and at all times relevant herein, Defendant ABRAHAM MATTHEWS was the owner of a certain automobile, to wit, Jeep Liberty, bearing Connecticut State License Plate No. 242UPU, for the year 2006 (hereinafter "Jeep Liberty Vehicle").

DK1
6. Upon information and belief, and at all times relevant herein Defendant, SEAN CARROLL was the operator of an Isuzu Utility Vehicle, bearing New York State License Plate No. 87475JV, for the year 2007 (hereinafter "Isuzu Utility Vehicle").

DK1
7. At all times relevant herein Plaintiff KEVIN GRACE was lawfully a passenger in the Isuzu Utility Vehicle which was being operated, managed and controlled by the Defendant SEAN CARROLL.

DK1
8. At all times relevant herein, the New England Thruway was and still is a public thoroughfare, in general use, running in the south-north direction in the City of New York, County of Bronx, State of New York.

DK2
9. On or about June 18, 2007 at about 4:00 p.m., the said Isuzu Utility Vehicle which was being operated, managed and controlled by Defendant SEAN CARROLL collided with said Jeep Liberty Vehicle which was being operated, managed and controlled by Defendant ABRAHAM MATTHEWS. A copy of the Police Accident Report is annexed hereto as Exhibit "A".

D
10. The aforesaid contact and collision was caused solely as the result of the negligence of Defendant ABRAHAM MATTHEWS without any fault or negligence of the Plaintiff contributing thereto in any manner.

D 11. Defendant ABRAHAM MATTHEW was negligent in, among other things: (a) operating said Jeep Liberty Vehicle at high and dangerous rate of speed; (b) operating said Jeep Liberty Vehicle without having the same under proper or adequate control; (c) failing to sound a horn or give the Plaintiff any warning of the approach of his Jeep Liberty Vehicle; (e) failing to reduce its speed in time to avoid striking the Isuzu Utility Vehicle in which Plaintiff was a passenger; and (f) failing to have proper lookout or to take proper precautions to avoid collision with the Isuzu Utility Vehicle, which was lawfully parked on the shoulder of said New England Thruway.

D 12. As a result of the aforesaid collision, Plaintiff KEVIN GRACE sustained serious personal injuries, was hospitalized and rendered sick, sore and lame, has suffered, and upon information and belief, will continue to suffer for a long time to come, and at least some of said injuries may be permanent.

D 13. As a result of the injuries to the Plaintiff as aforesaid, Plaintiff has been damaged in the sum of ONE MILLION DOLLARS (\$1,000,000.00).

**AS AND FOR A SECOND CAUSE OF ACTION
FOR NEGLIGENCE AGAINST THE DEFENDANT SEAN CARROLL**

R+R
14. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 13 of this Verified Complaint as if the same were fully set forth herein.

DK1
15. Upon information and belief, on or about June 18, 2007, Defendant SEAN CARROLL was negligent in the operation, management and control of the said Isuzu Utility Vehicle.

AKD
16. As a result of said negligence of the Defendant SEAN CARROLL as aforesaid Plaintiff suffered serious personal injuries.

D
17. By reason of the foregoing, Plaintiff has been damaged in the amount of ONE MILLION DOLLARS (\$1,000,000.00).

**AS AND FOR A THIRD CAUSE OF ACTION
FOR NEGLIGENT TRANSFER AND ENTRUSTMENT OF AUTOMOBILE
BY THE DEFENDANT RYDER TRUCK RENTAL
TO THE DEFENDANT SEAN CARROLL**

PK 18. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 17 of this Verified Complaint as if the same were fully set forth herein.

OK 19. Upon information and belief, on or about June 18, 2007, the Defendant RYDER TRUCK RENTAL transferred and entrusted the said Isuzu Utility Vehicle to the Defendant SEAN CARROLL.


D 20. As a result of said transfer and entrustment of said Isuzu Utility Vehicle as aforesaid Plaintiff suffered serious personal injuries.

D 21. By reason of the foregoing, Plaintiff has been damaged in the amount of ONE MILLION DOLLARS (\$1,000,000.00).

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, as prayed for in this Verified Complaint, for costs and expenses of this action, and for any other and additional relief as this Court deems just and proper.

Yours, etc.

Dated: Tarrytown, New York
January 7, 2008


James W. Badie
Attorney for Plaintiff
660 White Plains Road, Suite 615
Tarrytown, New York 10591
Telephone: (914) 332-4490

Auto Aff'd
Demands all

X claim vs 6025

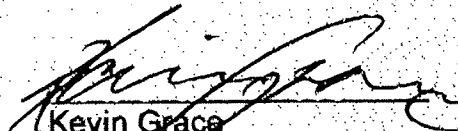
SEAN CARROLL and
My Door Truck Rental

Tulley NRK

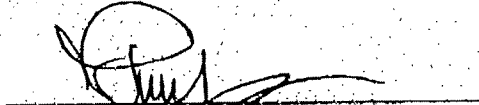
INDIVIDUAL VERIFICATION

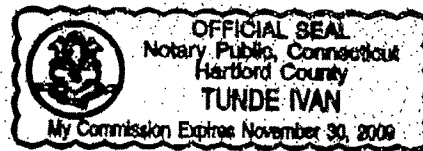
COUNTY OF Hartford)
) ss:
 STATE OF CT)

I, Kevin Grace, being duly sworn, deposes and says: I am the plaintiff in this action; I have read the foregoing Verified Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters herein stated to be alleged upon information and belief, and as to those matters I believe them to be true.


 Kevin Grace

Sworn to before me this
7 day of January, 2008


 Notary Public



Index No. 300712 Year 2008

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

KEVIN GRACE,

Plaintiff,

-against-

ABRAHAM MATTHEWS, SEAN CARROLL,
and RYDER TRUCK RENTAL,

Defendants.

SUMMONS and VERIFIED COMPLAINT

James W. Badie
Attorney for Plaintiff KEVIN GRACE
Office and Post Office Address, Telephone
660 White Plains Road, Suite 615
Tarrytown, New York 10591
(914) 332-4490

TO

Signature (Rule 130-1.1-a)

Print name beneath

Attorney(s) for

Service of a copy of the within
Dated,

is hereby admitted.

Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
the within named court, at
Dated,

of which the within is a true copy will be presented for of
at

Yours, etc.

James W. Badie
Office and Post Office Address
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Facsimile: (212) 244-1364
Email: badielaw@worldnet.att.net

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800 277-3140
888-863-4565
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2/2-608-2121
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Life
can
be
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PERSONS KILLED OR INJURED IN ACCIDENT (Letter designation of persons killed or injured must correspond with letter designation on front)

A Last Name matthews ABRAHAM		First MI	D Last Name MI		First MI
Address 41 GRANT AVE Stamford CT		Address			
Date of Birth 12/29/46		Telephone (Area Code)	Date of Birth MI		Telephone (Area Code)
B Last Name CARROLL Sean		First MI	E Last Name MI		First MI
Address 2758 matthews Ave Bx ny		Address			
Date of Birth 5/22/78		Telephone (Area Code)	Date of Birth MI		Telephone (Area Code)
C Last Name Grace kevin		First MI	Highway Dist. at Scene? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Name: Komis
Address 13 Ramfield Lane Broomfield CT		Shield No. 10637			
Date of Birth 12/19/80		Telephone (Area Code)			

ENTER INSURANCE POLICY NUMBER FROM INSURANCE IDENTIFICATION CARD, EXPIRATION DATE (IN ALL CASES), AND VIN

Vehicle No. 1 N/A	Vehicle No. 2 TRAVELERS INS. (rental)
Expiration Date N/A	Expiration Date N/A
VIN 1J4GK48K66W268315	VIN JALC4B16X77001592

WITNESS (Attach separate sheet, if necessary)

Name	Address	Phone
none on scene		

DUPLICATE COPY REQUIRED FOR:

<input checked="" type="checkbox"/> Dept. of Motor Vehicles (If anyone is killed/injured)	<input type="checkbox"/> Motor Transport Division (P.D. vehicle involved)	<input type="checkbox"/> NYC Taxi & Limousine Comm. (If a Licensed taxi or Limousine involved)	<input type="checkbox"/> Other City Agency (Specify)
<input type="checkbox"/> Office of Comptroller (If a City vehicle involved)	<input type="checkbox"/> Personnel Safety Unit (If a P.D. vehicle involved)	<input type="checkbox"/> Highway Unit	

NOTIFICATIONS: (Enter name, address, and relationship of friend or relative notified. If asked person is unidentified, list Missing Person Squad member who was notified. In either case, give date and time of notification.)

P.D. Samuel (203) 353-9376 @ 1740hrs.

PROPERTY DAMAGED (other than vehicles)

OWNER OF PROPERTY (include city agency, where applicable)

IF NYPD VEHICLE IS INVOLVED:

Police Vehicle Operator's First Name		Last Name	Rank	Shield No.	Tax ID No.	Command
Make of Vehicle	Year	Type of Vehicle	Plate No.	Dept. Vehicle No.	Assigned To What Command	
Equipment in Use At Time of Accident						
<input type="checkbox"/> Siren	<input type="checkbox"/> Horn	<input type="checkbox"/> Turn Signal	<input type="checkbox"/> 4-Way Flasher	<input type="checkbox"/> High-Level Warning Lights	<input type="checkbox"/> Traffic Cones	<input type="checkbox"/> Hoodlight

ACTIONS OF POLICE VEHICLE

<input type="checkbox"/> Responding to Code Signal	<input type="checkbox"/> Complying with Station House Directive
<input type="checkbox"/> Pursuing Violator	<input type="checkbox"/> Routine Patrol
<input type="checkbox"/> Other (Describe)	

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN GRACE,

Plaintiff(s),

-against-

ABRAHAM MATTHEWS, SEAN CARROLL, and
RYDER TRUCK RENTAL,

Defendant(s).

NOTICE OF REMOVAL OF ACTION
UNDER 28, U.S.C. §1441 (B) (DIVERSITY) and JURY DEMAND

STOCKSCHLAEDER, McDONALD & SULES, P.C.

Attorney(s) for: Defendant(s)

161 William Street, 19th fl.

New York, New York 10038

(212) 608-1911

File No. 2513.01

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Service of a copy of the within is hereby admitted

Dated:

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PURSUANT TO CPLR 2103(5) PLEASE TAKE NOTICE THAT THIS OFFICE DOES
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